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and the influence of other precedent cases". We believe, however, that this is perhaps an over statement. No one case under any branch of the law is exactly the same as any other case, and there is always difficulty of applying judicial precedent particularly in complicated cases. What the author undoubtedly means is that the usual patent case is involved and presents a considerable number of issues; so that a patent case would ordinarily exhibit the same difficulty as any case not involving patents and brought for causes of action which were involved and complicated.

All things considered, this book presenting as it does many original points of view, and close analysis of the law, will be invaluable to the patent lawyer and should for this reason be in every library in which provision is made for works on patent law.

EVERETT N. CURTIS

NEW YORK CITY

INTERNATIONAL LAW, a Treatise. By L. OPPENHEIM. Vol. I. Peace. Third Edition. Edited by RONALD F. ROXBURGH. London: LONGMANS, GREEN & Co. 1920. pp. xliii, 799.

Professor L. Oppenheim of Cambridge University died on October 7, 1919, but as the editor of the present volume tells us, by pursuing the practice of making marginal annotations during the war, he left his treatise on International Law revised up to July, 1919. Thus he had completed discussion of some of the provisions of the Treaty of Versailles. The first volume, now offered, has been edited to include material up to May, 1920 by Mr. Ronald F. Roxburgh, a former student of the author. Mr. Roxburgh's additions can be ascertained by noting the date of incidents treated, and by his explanation in the preface, but they are not otherwise distinguished from Oppenheim's text.

Although born and educated in Germany, Professor Oppenheim spent most of his mature life in Switzerland and in England where he was naturalized. Prior to his arrival in England in 1895 his studies had been in jurisprudence and criminal law, but after that time he made international law his major work and in 1905-1906 published a two volume treatise on the subject in English which was at once recognized as standard and went into a second edition in 1912. In 1908 Professor Oppenheim was called to the Whewell Professorship of International Law at Cambridge University to succeed Westlake. The present edition is the third, and the first volume contains 782 pages of text as compared with 582 in the first edition, thus indicating substantial additions.

Professor Oppenheim's training in continental law, later broadened by his contact with the English legal point of view, eminently qualified him to write on international law, and his treatise is characterized by the clarity of its logical basis and the comprehensiveness of its content.

The theoretical propositions which have vexed international law writers are neatly settled by care in definition. Law as enforced by external authority is distinguished from morality enforced by conscience alone (p. 4), and the propriety of classifying international "law" in the former category is made clear. Professor Oppenheim denominates himself a "positivist," rejects "natural law" entirely (p. 116), and considers custom and treaty the only sources of international law (p. 21). The theoretical structure is particularly notable for its insistence that states are the only subjects of international law. Heads of state, diplomatic officers, public and private vessels, individuals, etc. are regarded as its "objects" (pp. 18, 25, 457). The necessary deduction from this, that international law as such cannot be a part of municipal law is asserted with equal strenuousness, though

the author admits that many writers and judicial opinions take a different stand (p. 26).

Although some might regard a different theoretical basis as equally accurate and more apt to keep pace with the future development of international law, no careful reader can fail to grasp Professor Oppenheim's conceptions and to admit the logical accuracy of his deductions, admitting the initial assumptions. As has been said, the author asserts himself a positivist, but the manner of presentation suggests that the legal conclusions flow by deduction from fundamental definitions. Historical incidents and precedents appear as illustrations of *a priori* truth, while in so typically English a book as W. E. Hall's, they appear as the truth itself, of which propositions of law are merely convenient generalizations. The difference is, however, of form rather than substance, and the conclusions of the two men differ but little.

The comprehensiveness of the treatise is, to the mind of the reviewer, its greatest merit. The history of the subject is briefly but suggestively considered and, in the body of the work, incidents, judicial decisions, monographs and treaties are exhaustively reviewed and cited in support of the author's position on every conceivable question of international law. The discussion of treaties is particularly full, including the peace treaty with Germany and the League of Nations Covenant (chap. V). The chapters on international responsibility and international administrative unions are also notable.

Professor Oppenheim is favorable to the League of Nations Covenant though suggesting some improvements, but he regards talk of an international police force under its direct authority as utopian (pp. 294, 637). He considers the maintenance of a balance of power as essential if international law is to be preserved, and "the existence of the League of Nations makes a balance of power not less but all the more necessary because an omnipotent state could disregard the League of Nations" (p. 94). From his historical summary Professor Oppenheim draws seven "morals," one of which appears to be his conclusion on the war. "The progress of international law," he says, "is intimately connected with the victory everywhere of constitutional government over autocratic government, or, what is the same thing, of democracy over autocracy" (p. 95).

One hesitates to criticize the accuracy of a book of such acknowledged excellence as Oppenheim, and few opportunities are offered. The statement, however, that in the United States "customary international law" as well as "law-making international conventions ratified by the United States are binding upon American courts, even if in conflict with previous American statutory law," is not sustainable.

The literary style of the book, though accurate, is at times heavy and verbose. The reader often meets with somewhat odd expressions such as "not-full sovereign state" (p. 19), "state-like" (p. 22), "international interest of sufficient vigor to wind a band around all civilized states" (p. 49), "vicarious responsibility" (p. 258). These expressions are, however, clear and add a certain flavor to the work.

The editor and printer appear to have done their work well. This is believed to be the first treatise on international law incorporating the peace treaties and will be welcome to students of the subject. It is hoped that Mr. Roxburgh will soon have the second volume, on war and neutrality, ready.

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POLITICAL THOUGHT IN ENGLAND. By HAROLD J. LASKI. New York: HENRY HOLT & Co. 1920. pp. 320.

Beginning with the English Revolution of 1688, Mr. Laski states the theories